IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4881 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SUBHADRA GAUTAMBHAI PATEL

Versus

AEC CO LTD

Appearance:

MR JA ADESHRA for the Petitioner.

MR KB PUJARA for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/03/2002

ORAL JUDGEMENT

Rule returnable today. Mr.Pujara, learned Advocate, waives service of rule on behalf of the respondent. With the consent of the parties, the matter is taken up for final hearing today.

The husband of the petitioner is a consumer for getting electric connection from the Ahmedabad Electricity Company Limited. The electric connection was disconnected in view of certain malpractices, which were found by the Electricity Company. Since the petitioner apprehended that the connection might be disconnected by the A.E.C., cheque of Rs.25,000/- was sent, which, unfortunately, bounced. Subsequently, Rs.15,000/- was paid by way of cash on 24th March, 2001. Thereafter, the laboratory testing took place in the presence of the consumer on 29th May, 2001. As per the report of the Laboratory, the consumer committed certain malpractices. Thereafter, revised bill, amounting to Rs.65,847/-, was sent. The petitioner has challenged the said revised bill by filing this petition.

It is an admitted fact that the said order is appealable. However, learned Advocate for the petitioner submitted that the revised bill was sent after the filing of the petition. Be that as it may, it is not in dispute that the aforesaid dispute can be examined by the Appellate Committee of the A.E.C. In view of the same, and after realising this difficulty, Mr.Adeshra for the petitioner states that the petitioner will prefer an appeal on or before 10th April, 2002. If such appeal is preferred within the aforesaid period, the Appellate Committee of the Company may decide the appeal on merits. However, in the facts and circumstances of the case, it is directed that at the time of filing appeal, the petitioner may deposit additional amount of Rs.5,000/-. After depositing the said amount, the Company may examine the appeal of the petitioner on merits and it may not be rejected on the ground of limitation. This petition is disposed of on the aforesaid terms. Rule is partly made absolute with no order as to costs.

Direct service is permitted.

(P.B. Majmudar, J.)

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(apj)